6511830/2022/VIG-II-MAU01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Vijayawada Municipal Corporation - Un-authorized construction of Commercial Complex with a height of over 19.5 mts. without obtaining NOC from Fire Services Department and without providing fire safety measures by the builder - Disciplinary Proceedings initiated against Sri PNS Sai Babu, the then ACP (now Retd.), Vijayawada Municipal Corporation - Enquiry conducted – Imposition of a penalty of "10% cut in pension for a period of Five (5) years" - Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (Vig.II-1) DEPARTMENT

G.O.Rt.No.767 **Dated.12.10.2022.**

Read the following:-

1. G.A. (V&E) Dept., Appraisal Report No.32 (608/V&E/DI/08), dated: 11.07.2008.
2. From DTCP, AP, Hyderabad, Lr.Roc.No.7435/2008/V.Cell, dated.1.10.2008.
3. G.O.Rt.No.268, MA&UD (E1) Department, dt.17.02.2009.
4. WSD of Sri PNS Sai Babu, the then ACP (now Retd.), dated.21.02.2009.
5. G.O.Rt.No.509, MA&UD(E1) Department, dt.07.05.2010.
6. Enquiry Report of Sri S.Viswanath, Director (Planning) II, HMDA, Secunderabad & Enquiry Officer, dt.11.08.2010.
7. Govt.Memo.No.13490/E1/2008, dt.06.10.2010.
8. Written representation of Sri PNS Sai Babu, the then ACP (now Retd.), dated.01.12.2021.
9. Govt.Memo.No.13490/E1/2008, dt.06.04.2022.
10. Written explanation of Sri PNS Sai Babu, the then ACP (now Retd.), dated.28.04.2022.
11. From the DTCP, A.P., Mangalagiri, Lr Roc.No.7435/2008/V.Cell, dated: 04.07.2022.
12. Govt. Letter No.13490/Vig.II/2008, dt.01.08.2022.
13. From the Secretary, APPSC, Vijayawada, File.No. GAD03-APPS0DCC /77/2022-DC-SEC-APPSC, Computer No. 1830630, Dated: 16.09.2022

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O R D E R:

Based on the report of G.A. (V&E) Department, in the reference 1st read above, disciplinary action was initiated vide G.O. 3rd read above, against Sri PNS Sai Babu, the then ACP (now Retd.) and one another Officer of Vijayawada Municipal Corporation, on the allegations of allowing unauthorized construction of Commercial Complex with a height of over 19.5 mts. without obtaining NOC from Fire Services Department and without providing fire safety measures by the builder and also violation of approved plan at M.G.Road, Moghalrajapuram, Vijayawada.

2. In the reference 4th read above, the charged officer submitted his Written Statement of Defence. Having not convinced with the Written Statement of Defence, the Government vide reference 5th read above, appointed Sri S.Viswanath, Director (Planning) II, HMDA, Secunderabad as an Inquiry Officer to enquire into the charges framed against Sri PNS Sai Babu, the then ACP (now Retd.) and another Officer of Vijayawada Municipal Corporation.

(P.T.O)

3. The Inquiry Authority conducted enquiry into the charges framed against the said charged officers and submitted his report, vide reference 6th read above.

4. Government after careful examination of the Report submitted by the Inquiry Officer, it was observed that as per the Inquiry Officer's report the Charged Officers allowed the builder in completing the construction of the commercial complex with cellar+G+4 floors on 04.12.2007 deviating from the approved plan and constructed excess area of 504.83 sq.mts. with a height of 19.5 meters against permitted height of 15 meters without obtaining NOC from Fire Services Department. Further, it is the responsibility of C.Os to conduct overall assessment and monitoring of unauthorized constructions and thus cannot absolve from these duties. It is also the responsibility of C.O. to supervise the work of his subordinates and can be held responsible for slackness, non diligence displayed. The I.As findings i.e. (1) The enforcement action was taken as per statutory procedure and deviations removed and (2) the applicant subsequently applied for regularization of unauthorized constructions made in the deviation to the approved plans and the charges are not proved, appears to be incorrect. In view of the above, all the charges framed against both the C.O.s have to be treated as "Proved".

5. In the reference 7th read above, a copy of enquiry report along with disagreement factors were communicated to the charged officer Sri PNS Sai Babu, the then ACP (now Retd.), Vijayawada Municipal Corporation, with a direction to submit his written representation, if any, on the findings of the Inquiry Officer and the disagreement factors observed by the Government, in terms of Rule 21 (2) of APCS (CCA) Rules, 1991. The charged officer submitted his written representation requesting to drop further action against him, vide reference 8th read above.

6. After careful examination of the matter, Government have provisionally decided to impose a penalty of "10% cut in pension for a period of Five (5) years" against retired C.O. Sri PNS Sai Babu, the then ACP (now Retd.), Vijayawada Municipal Corporation, in terms of Rule-9 of AP Revised Pension Rules, 1980, since the written representation is not convincing.

7. In the reference 9th read above, a show cause notice has been issued to Sri PNS Sai Babu, the then ACP (now Retd.), Vijayawada Municipal Corporation, with a direction to show cause as to why the penalty proposed in Para (6) above shall not be imposed against him under Rule 9 of A.P. Revised Pension Rules, 1980. In reply, the Charged Officer submitted his explanation in the reference 10th read above and among others, has requested to drop the penalty proposed against him.

8. Government after careful examination of the written explanation of the Charged Officer; keeping in view the findings of Inquiry Authority and after following due procedure, it has been decided to impose a penalty of "10% cut in pension for a period of Five (5) years" against Sri PNS Sai Babu, the then ACP (now Retd.), Vijayawada Municipal Corporation, as his explanation is nothing but reiteration of earlier representation / deposition and no new points are raised and found that they are not convincing.

9. In the reference 12th read above, the Secretary, A.P. Public Service Commission, Vijayawada was requested to convey the concurrence of the Commission to the above Government proposal.

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10. In the reference 13th read above, the Secretary, A.P. Public Service Commission, Vijayawada, has agreed with the proposal of the Government, to impose a penalty of "10% cut in pension for a period of Five (5) years" against Sri PNS Sai Babu, the then ACP (now Retd.), Vijayawada Municipal Corporation and advised accordingly.

11. Government after careful examination of the matter, have decided to confirm the penalty of "10% cut in pension for a period of Five (5) years" against Sri PNS Sai Babu, the then ACP (now Retd.), Vijayawada Municipal Corporation.

12. Accordingly, Government hereby impose a penalty of "10% cut in pension for a period of Five (5) years" against Sri PNS Sai Babu, the then ACP (now Retd.), Vijayawada Municipal Corporation, under Rule-9 of A.P. Revised Pension Rules, 1980.

13. The Director of Town and Country Planning, A.P, Mangalagiri, shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Y. SRILAKSHMI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri PNS Sai Babu, the then ACP (now Retd.), Vijayawada Municipal Corporation **through** DTCP, AP, Mangalagiri.
The Director of Town and Country Planning, A.P., Mangalagiri.

Copy to:
The Commissioner, Vijayawada Municipal Corporation.
The Secretary to A.P. Vigilance Commission, A.P. Secretariat, Velagapudi.
The Secretary, A.P. Public Service Commission, A.P., Vijayawada.
The G.A. (V&E) Department, A.P., RTC Complex, Vijayawada.
SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER.